

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

February 2, 2017
9:30 a.m.

Board of Supervisors Auditorium
301 W. Jefferson Street
Phoenix, Arizona

MEMBERS PRESENT:

Ms. Jennifer Ruby, Vice Chairperson
Mr. Nathan Andersen
Mr. Bruce Burrows
Mr. Michael Cowley
Mr. Michael Deutsch
Mr. Broc Hiatt
Mr. Michael Johnson

MEMBERS ABSENT:

Mr. Greg Arnett, Chairman
Mr. B.J. Copeland
Mr. Murray Johnson

STAFF PRESENT:

Mr. Darren Gerard, Deputy Director
Ms. Jaclyn Sarnowski, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Robert Swan, County Attorney

CONTINUANCE:

Z2016036

CONSENT:

Z2016078, Z2016102

Meeting called to order at 9:30 a.m.

Vice Chairperson Ruby introduced Commissioner Nathan Andersen joining the Planning and Zoning Commission from District 1. No approval of minutes.

CONTINUANCE AGENDA

Special Use Permit - Z2016036

District 3

Applicant: Earl, Curley, and Lagarde
Location: Generally located 920 feet west of the northwest corner of Cave Creek Road and Forest Pleasant Place in the Cave Creek area
Request: Special Use Permit (SUP) to allow a dog kennel, training and boarding facility in the Rural-43 zoning district – Hunter Working K-9

Mr. Gerard presented Z2016036 with a recommendation for continuance to March 9, 2017 to allow outstanding items to be addressed at that time.

BOARD ACTION: Commissioner Cowley motioned to continue Z2016036 to March 9, 2017. Commissioner Deutsch second. Approved to continue 7-0.

CONSENT AGENDA

Zoning - Z2016078

District 2

Applicant: Tiffany & Bosco, PA
Location: Generally located at the southwest corner of Ellsworth Rd. and Broadway Rd. in the Mesa area
Request: Zone Change from R1-8 to C-2 Commercial Unit Plan of Development (CUPD) – East Mesa Crossroads

Zoning - Z2016102

District 4

Applicant: Marbella Ranch Limited Partnership
Location: Generally located west of El Mirage Rd. about ½ mile south of Northern Ave. in the Glendale area
Request: Modification of Condition to the R-5 RUPD zoning district – Marbella Ranch

Mr. Gerard presented the consent agenda items, staff recommends approval.

COMMISSION ACTION: Commissioner Michael Johnson motioned to approve the consent agenda with conditions, Commissioner Burrows second. Approved 7-0. Z2016078 with conditions 'a' – 'h', Z2016102 with conditions 'a' – 'y'.

Z2016078 conditions;

- a. Development of the site shall comply with the Site Plan entitled "East Mesa Crossroads", consisting of 1 full-size sheet, dated December 29, 2016 and stamped received January 3, 2017, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Rucker Restaurants", consisting of 7 pages, dated January 3, 2017 and stamped received January 3, 2017, except as modified by the following conditions.
- c. The following C-2 CUPD standards shall apply:
 1. Parking Spaces: 40 standard, 3 accessible
 2. Screening: 6' (height) solid wall required alongside rear property lines abutting residential zoning districts. Except for a locked gate along western portion of the property line

to allow for utility easement access; and along the southern portion of the property the wall does not go all the way to the eastern perimeter to allow for landscaping at the corner of the site.

- d. At the time of building permits the applicant shall submit the "Will Serve" letter from the City of Mesa. And shall submit a shared access agreement between the two property owners.
- e. The following Maricopa County Environmental Services Department (MCESD) conditions shall apply:
 - 1. Prior to any construction permit issuance water and sewer Approval to Construct (ATC) must be issued.
 - 2. Prior to any construction permit issuance, septic system abandonment permits must be approved.
 - 3. Prior to any construction permit issuance, a Storm Water Pollution Prevention Plan (SWPPP) approval must be obtained from MCESD Storm Water Quality Program.
- f. The Following Planning Engineering comments shall apply:
 - 1. At the time of application for the building permit(s), the design of the driveway and striping must be coordinated with MCDOT Traffic staff.
 - 2. Detailed Grading and Drainage Plans showing the new site improvements must be submitted for the acquisition of building permits.
- g. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the

same value of the property as if the Zone Change had never been granted.

- h. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.

Z2016102 conditions;

- a. Development of the site shall comply with the Zoning Exhibit entitled "Marbella Ranch Site Plan", consisting of 2 full-size sheets, dated revised April 10, 2014, and stamped received April 11, 2014, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Project Narrative Rezone Marbella Ranch Updated Narrative for Z2014011 and Z2016054", consisting of 10 pages, dated December 20, 2016, and stamped received December 20, 2016 except as modified by the following conditions.
- c. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS §11-814. The term of this conditional zoning is approval of a final plat or plan of development, as applicable, for the initial phase of development within five years of Board of Supervisors approval of Z2014011, and then an additional five years to obtain final plat or plan of development approval as applicable for each successive phase of development.

While not a term of the conditional zoning, the applicant shall submit a written report every five years from the date of Board of Supervisors approval of Z2014011 which details the status of this project, including progress on obtaining necessary entitlements, licenses, and permits; compliance with the conditions of approval; compliance with the approved narrative report; compliance with the approved land use plan; and justification as to how the approved zoning still represents appropriate land use planning for the property and unincorporated Maricopa County in accordance with the goals and policies in its comprehensive plan and applicable area plan and land use plans. The status reports to be administratively reviewed by Planning and Development with the ability administratively to accept or to carry the status report to the Board of Supervisors (Board), upon recommendation by the Planning and Zoning Commission (Commission) for consideration of amendments or revocation of zoning for undeveloped parcels. Status reports will be required until completion of all final plats and/or plans of development.

- d. The following R-5 RUPD for the *Single Family Traditional* shall apply:
 - 1. Height: 30' / 2 stories for detached single family residential
 - 2. Rear Yard: 12' for attached single family residential townhome
 - 3. Lot Area: 5,000 sq. ft.
 - 4. Lot Width: 45' for detached single family residential and 30' for attached single family residential townhome
 - 5. Lot Area Per Dwelling Unit: 5,000 sq. ft. for detached single family residential and 3,000 sq. ft. for attached single family residential townhome
 - 6. Rear yard setback: 15' for detached single family residential
- e. The following R-5 RUPD standards for the *Neo-Traditional* shall apply:
 - 1. Front Yard: 5'
 - 2. Side Yard: 5' or 2' for side loaded garage
 - 3. Street side Yard: 5'
 - 4. Rear Yard: 5'
 - 5. Lot area: 2,500 sq. ft.
 - 6. Lot Width: 45' for detached single family residential and 30' for attached single family residential townhome
 - 7. Lot Area Per Dwelling Unit: 2,500 sq. ft.
 - 8. Lot Coverage: 55% for detached single family residential and 60% for attached single family residential townhome
- f. The *Multiple Family* to include apartments and condominiums shall meet the base R-5 zoning district standards, no variations to the standards with these products.
- g. Not less than 34 acres shall be developed as recreational open space to include playgrounds, tot lots, mini-parks and amenities. At the time of each preliminary plat submission, the developer shall include a description of the status, cumulative acreage and proposed amenities as identified with this condition.
- h. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible.
- i. The following Maricopa County Department of Transportation (MCDOT) conditions shall apply:

1. The owner shall provide a total half-width of right-of-way for the following roadway:

El Mirage Road 65 feet

All such dedications shall be in fee and free of all liens and encumbrances. Prior to acceptance of such dedication, the applicant shall provide the County an owner's title insurance policy issued to the County, the MCDOT environmental checklist and any and all other requirements as set forth in the "MCDOT Right-of-Way Dedications Reference Guide". Until Maricopa County has accepted said dedication, all responsibilities, including but not limited to maintenance and repair for the property to be dedicated shall be that of the applicant.

2. Construct ultimate half-width improvements on El Mirage Road. Roadway must meet County Standards in effect at the time they are constructed.
 3. Construct ultimate half-width improvements and right-of-way on Glendale Ave. per the City of Glendale requirements.
 4. Roadway review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with current MCDOT Design Standards.
- j. All interior streets within the proposed development are to be constructed to minimum County standards.
 - k. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
 - l. Prior to any Final Plat approval, the applicant shall submit to the Maricopa County Planning and Development Department a "will serve" letter and verification of approval of a Maricopa Association of Governments (MAG 208) amendment from Liberty Utilities which demonstrates a willingness and capability to serve Marbella Ranch.

- m. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- n. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.
- o. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a grading permit. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- p. The Final Plat shall have a note that the property is within an area of known land subsidence and/or earth fissuring. No development including paved roadways or residential lots within 100' of the mapped confirmed fissure, drainage and storm runoff should not be concreted or directed towards the fissure or offsite area. Further, notice that the property is in area of known land subsidence and/or earth fissuring and a definition of both land subsidence and earth fissures shall be prominently displayed in the sales office, in the covenants, conditions and restrictions (CC&Rs), and in any disclosure statements for conveyance documents. However, if said report concludes negative impact regarding land subsidence and/or earth fissuring the required notification can include such results.
- q. Prior zoning clearance or Final Plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire District, servicing the site.
- r. The following Maricopa County Sheriff's Office (MCSO) conditions shall apply:
 - 1. Prior to any final plat, the master developer shall enter into a development agreement with the Maricopa County Sheriff's Office (MCSO) to provide law enforcement services to Marbella Ranch and surrounding areas.
 - 2. This development agreement shall include, but not necessarily be limited to, the master developer's requirement to pay their proportionate share for start-up costs (vehicle purchase and patrol equipment, e.g. radios, tasers, and vehicle laptops); and interim fees for law

enforcement services associated with the property unless it is annexed into an incorporated municipality or until full law enforcement service contract is otherwise implemented. The development agreement may also include, but not necessarily be limited to the master developer's requirement to donate to the County, for use by the MCSO, their proportionate share of separate office space complete with tenant improvements or land (the size to be determined in the development agreement), or payment of fees when a permit is issued.

3. This development agreement shall include the terms listed in this stipulation unless otherwise mutually agreed to by MCSO and the master developer; furthermore, the development agreement shall be signed by both the master developer and the MCSO and provided to the Maricopa County Planning and Development Department for public record.
- s. The following Drainage Review conditions shall apply:
1. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards.
 2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
- t. Variations to the development standards as indicated in the approved Unit Plan of Development (UPD) table may be varied by the Board of Adjustment in accordance with Article 303.2.2 of the Maricopa County Zoning Ordinance (MCZO).
- u. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- v. Amendments to the site plan and narrative report shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.

- w. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- x. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- y. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.

Vice Chairperson Ruby adjourned the meeting at 9:32 a.m.

Prepared by Rosalie Pinney
Recording Secretary / Administrative Assistant
February 2, 2017